



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

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1100 Washington Street
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COMMONWEALTH OF VIRGINIA
STANDARD CONTRACT
DEB03012010—PCOND

This contract entered into this 11th day of June, 2010 by listed on the last page hereinafter called the "Contractor" and Commonwealth of Virginia, and the Department of General Services called the "Purchasing Agency."

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Pre-qualified Power Conditioning Contractor Pool

SCOPE OF CONTRACT: The Contractor shall provide the goods/services to the Purchasing Agency as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From July 1, 2010 through June 30, 2012 with three one year renewals.

The contract documents shall consist of:

- (1) This signed form;
- (2) The following portions of the Request for Proposal dated March 01, 2010
 - (a) The Statement of Needs,
 - (b) The General Terms and Conditions,
 - (c) The Special Terms and Conditions together with any negotiated modifications of those Special Conditions;
 - (d) The CO7 Terms and Conditions of the Construction Contract
- (3) The Contractor's CO-16 and the following process instructions for use of the contract:

Instructions to Agencies

Special Terms and Conditions

PROCESS FOR AGENCIES

The following items apply to this contract for state agencies: Web link for the forms
<http://www.dgs.state.va.us/FormsCenter/DEBForms/tabid/826/Default.aspx>

GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING CONTRACTORS LIST AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$500,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING CONTRACTOR POOL

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will

be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

“b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.”

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install — in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located —provide street address, floor no. suite, etc.— on —date and year—. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE

WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install — in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located —provide street address, floor no. suite, etc.— on —date and year—. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor’s understanding of the execution of the work and is the agency’s opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

SPECIAL TERMS AND CONDITIONS

1. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (Code of Virginia, § 2.2-4359D). Should the Commonwealth determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor’s proposal as negotiated.

2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.

1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR:

Name of Company: (See Following Pages) _____

Title of Person Signing: _____

Signature: _____

Contractors #: _____

Address: _____

FOR THE OWNER:

Name of Agency: Department of General Services

Signature:  _____

Title of Person Signing: VCCO, VCO, Procurement Officer _____

Address: ~~203 Governor Street, Room 100P~~

1100 Bank Street, 10th Floor, Suite 1008

Richmond, VA 23219



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

1100 Bank Street
4th Floor
Richmond, Virginia 23219-3402
Voice/TDD (804) 786-6152
FAX (804) 371-8305

CONTRACT RENEWAL/MODIFICATION AGREEMENT CONTRACT GAP03012010--PCOND

Date: Friday, July 13, 2012

Contract No.: GAP03012010--PCOND

Modification No.: One

Issued By: Commonwealth of Virginia
Department of General Services (Owner)
1100 Bank Street
Richmond, Va. 23219

Issued To: Continental Power Corporation
9401 Springhouse Drive
Chesterfield, VA 23832

Commodity: Power Conditioning Services

This Supplemental Agreement is entered into pursuant to the provisions of the basic contract and the RENEWAL Clause of the contract.

The renewal period is from July 1, 2012 through June 30, 2013 with 2, one-year renewals remaining.

There are no changes provided herein, all other terms and conditions of this contract remain unchanged and in full force and effect.

Please sign below acknowledging acceptance of this modification and return this to:

Gary A. Pleskac, VCCO, VCO
DGS Procurement Services
1100 Bank Street, 10th Floor, Suite 1008
Richmond, Va. 23219

Please feel free to call me with any questions at 804-786-0048.
You will be issued a copy of this agreement once it is executed by DGS.

Sincerely,
Gary A. Pleskac

Gary A. Pleskac, VCCO, VCO

Consolidated Laboratory Services• Engineering & Buildings~ Purchases & Supply

CONTRACTOR

OWNER

Virginia Representative
Title

Managing Member CSS, LLC
Title

Thomas L. Gorman, Jr.
By

[Signature]
By

Continental Power Corp.
Name of Company

[Signature]

9401 Springhouse Drive
Company Address

VCCO, VCO, Procurement Officer

Chesterfield, VA 23832
Company Address

[Signature]

804-921-4451
Company Phone Number



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**CONTRACT RENEWAL/MODIFICATION AGREEMENT
CONTRACT GAP03012010--PCOND**

Date: Friday, July 13, 2012
Contract No.: GAP03012010--PCOND
Modification No.: One
Issued By: Commonwealth of Virginia
Department of General Services (Owner)
1100 Bank Street
Richmond, Va. 23219
Issued To: TechSys Power International
P.O. Box 190
Patrick Springs, VA 24133
Commodity: Power Conditioning Services

This Supplemental Agreement is entered into pursuant to the provisions of the basic contract and the RENEWAL Clause of the contract.

The renewal period is from July 1, 2012 through June 30, 2013 with 2, one-year renewals remaining.

There are no changes provided herein, all other terms and conditions of this contract remain unchanged and in full force and effect.

Please sign below acknowledging acceptance of this modification and return this to:

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Richmond, Va. 23219

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Sincerely,
Gary A. Pleskac

Gary A. Pleskac, VCCO, VCO

Consolidated Laboratory Services• Engineering & Buildings~ Purchases & Supply

CONTRACTOR

OWNER

GM
Title

VCCO, VCO, Procurement Officer
Title

DAVID REAGAN [Signature]
By By

TERRYS POWER, Inc
Name of Company

PO Box 190
Company Address

PATRICK SPRINGS VA 24133
Company Address

(276) 694-6790
Company Phone Number



COMMONWEALTH of VIRGINIA

Department of General Services

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Director

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Richmond, Virginia 23219-3402
Voice/TDD (804) 786-6152
FAX (804) 371-8305

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Date: Friday, July 13, 2012

Contract No.: GAP03012010--PCOND

Modification No.: One

Issued By: Commonwealth of Virginia
Department of General Services (Owner)
1100 Bank Street
Richmond, Va. 23219

Issued To: Triangle Electric Corp.
560 Bouldin Rd
Ridgeway, VA 24148

Commodity: Power Conditioning Services

This Supplemental Agreement is entered into pursuant to the provisions of the basic contract and the RENEWAL Clause of the contract.

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Sincerely,
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Date: Friday, July 13, 2012

Contract No.: GAP03012010--PCOND

Modification No.: One

Issued By: Commonwealth of Virginia
Department of General Services (Owner)
1100 Bank Street
Richmond, Va. 23219

Issued To: Truland Service Corp.
5300 S. Laburnum Ave.
Richmond, VA 23231

Commodity: Power Conditioning Services

This Supplemental Agreement is entered into pursuant to the provisions of the basic contract and the RENEWAL Clause of the contract.

The renewal period is from July 1, 2012 through June 30, 2013 with 2, one-year renewals remaining.

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Sincerely,
Gary A. Pleskac

Gary A. Pleskac, VCCO, VCO

CONTRACTOR

OWNER

ACCOUNT MANAGER
Title

VCCO, VCO, Procurement Officer
Title

CHRISTOPHER B. AVERY
By

[Signature]
By

NORTHSIDE TRUCKERS ELECTRIC, LLC
Name of Company

5300 S. LABURNUM AVE.
Company Address

RICHMOND, VA. 23231
Company Address

804-652-2801
Company Phone Number